

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2150

IN THE MATTER OF:

Served October 6, 1980

Application of INTERNATIONAL)
LIMOUSINE SERVICE, INC., for)
Special Authorization to Perform)
Charter Operations Pursuant to)
Contract with USDA-APHIS)

Case No. CP-80-04

By application filed September 11, 1980, as supplemented on September 16 and 23, 1980, International Limousine Service, Inc., seeks authorization to operate pursuant to WMATC Special Certificate of Public Convenience and Necessity No.1 under contract with the U. S. Department of Agriculture - Animal and Plant Health Inspection Service (APHIS), 1/ transporting APHIS employees and persons traveling on official business with APHIS, together with mail in the same vehicle with passengers, between the Department of Agriculture South Building, Independence Avenue, S. W., Washington, D. C., the Federal Building, 6505 Belcrest Road, Hyattsville, Md., and the Presidential Building, 6526 Belcrest Road, Hyattsville, Md. Inasmuch as the application proposes the irregular-route transportation of APHIS employees and persons traveling on official business with APHIS, it appears generally to be amenable to processing under Commission Regulation No. 70. 2/

APHIS requires two vehicles to operate from 7:20 a.m. to 4:45 p.m. each Federal workday during the period October 1, 1980, through September 30, 1981. This service has been performed by Beltway Limousine Service, Inc., most recently under temporary authority set to expire on September 30, 1980. 3/ International states that it is not aware of any other carrier operating the required 20-passenger vehicles.

1/ Actually, APHIS has contracted with the U. S. Small Business Administration which, in turn, has subcontracted with International. For ease of discussion, however, we shall refer to APHIS as the contractor.

2/ See Order No. 2004, adopting Regulation No. 70, served June 20, 1979, and effective July 21, 1979.

3/ See Order No. 2116, served June 6, 1980, granting Beltway 117 days temporary authority. The Compact, Title II, Article XII, Section 4(d)(3) provides that temporary authority may not be granted for more than 180 days.

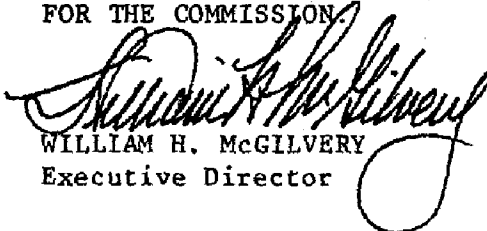
On September 22, 1980, Beltway filed a protest to the application. Beltway states that it is ready and willing to continue service for APHIS and would suffer an adverse economic impact if this application is granted. Beltway acquired its 20-passenger vehicles specifically for this contract and has no other authority to utilize such vehicles. Beltway also suggests that the contract award violates certain SBA regulations.

More to the point, however, is Beltway's allegation that International has been engaged in substantial uncertificated operations. Beltway points out that International's operating statement shows income far in excess of what could be earned from applicant's authorized operations. While it is possible that some of this excess income is attributable to applicant's exempt limousine operations, we note that International's equipment list includes 13 vans or minibuses, a number far in excess of any authorized requirements. Beltway further substantiates its claim with a receipt issued by International indicating that a 14-passenger van was used to transport 11 passengers on a three-hour sightseeing excursion on Sunday, September 21, 1980, for a total charge of \$111.32.

Commission Regulation No. 70-06 requires the Executive Director to review the pleadings and make a determination (a) of the applicant's fitness and (b) of the conformance of the proposed operation with the provisions of Regulation No. 70. While the latter issue can readily be determined in applicant's favor, a serious question exists about International's fitness. Official notice is taken of the Commission's action in Order No. 2143, served September 26, 1980, which, inter alia, schedules a public hearing to determine applicant's fitness. In light of that action and the evidence of record herein, the Executive Director finds that the issue of fitness cannot be resolved favorably to the applicant at this time. Accordingly, the application stands denied subject, of course, to applicant's right to seek reconsideration on the issue of fitness in accordance with Commission Regulation No. 70-08.

IT IS SO ORDERED.

FOR THE COMMISSION



WILLIAM H. MCGILVERY
Executive Director